

**MINUTES OF THE
TOWN COUNCIL
MEETING OF
GARDEN CITY, UTAH**

The Garden City Town Council held their regularly scheduled meeting on Thursday, May 12, 2016 at the Garden City Lakeview Building located at 69 N. Paradise Parkway, Building C. Mayor Spuhler opened the meeting at 5:00 p.m.

Town Council Members present:

John Spuhler, Mayor
Pat Argyle
Darin Pugmire
Chuck Stocking
Bruce Warner

Others Present:

Kathy Hislop
Bob Peterson
Riley Argyle
Anita Weston
Zan Murray
Nadine Sprouse
George Peart
Bess Huefner
Rulon Crosby
Leo Spuhler
Melissa Spuhler
Jim DeGroot
Lance Bourne
Jeff Williams

PLEDGE OF ALLEGIANCE AND PRAYER

The pledge of allegiance was led by Mayor Spuhler and the prayer was offered by Ms. Bess Huefner.

ROLL CALL

Mayor Spuhler asked for a roll call of Council Members present: Mayor Spuhler, Council Member Argyle, Council Member Pugmire, Council Member Stocking (came in later during the meeting), and Council Member Warner.

APPROVAL OF MINUTES

Minutes of the Town Council Meeting held on April 21, 2016

Council Member Warner made the motion to approve the minutes of the regular Town Council meeting held on April 21, 2016. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Minutes of the Special Meeting of the Town Council held on April 21, 2016

Council Member Pugmire made the motion to approve the minutes of the special meeting held on April 21, 2016. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

BUSINESS LICENSE DISCUSSION/APPROVAL

Clea's Nifty Gifts 1, request to conduct a retail store at 55 W. Logan Road, Dean & Tina Bolton

Council Member Pugmire made the motion to approve the business license for Clea's Nifty Gifts 1. Council Member Argyle seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Stocking, for; Mayor Spuhler, for. Motion carried.

KB Management. LLC., request to conduct a real estate financial service business at 29 W. Tamarind Way

Council Member Warner stated a conflict of interest with this business license.

Council Member Pugmire made the motion to approve the business license for KB Management LLC. Council Member Argyle seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Mayor Spuhler, for; Council Member Warner, abstained. Motion carried.

Let's Get Away Properties, LLC. Request to conduct a property management company at 100 W Season's Lane, Stan Goodell

Council Member Argyle made the motion to pass the business license for Let's Get Away Properties, LLC. Council Member Pugmire seconded the motion. A roll call vote was taken:

Council Member Argyle, for; Council Member Pugmire, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

SHORT TERM RENTAL LICENSE DISCUSSION/APPROVAL

929 N Harbor Village E. Drive #114, Owners are Granger Properties, LLC., Bear Lake Lodging

Council Member Pugmire said that the only hold up he saw on this short term rental was the insurance, but it is under the umbrella policy of the HOA for the condo units.

Council Member Pugmire made the motion to accept the short term rental license for 929 N Harbor Village E. Drive #114, owners are Granger Properties, LLC. Council Member Argyle seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

35 W. 150 S, Owners are Mark & Kathy Hislop, Bear Lake Project Management, LLC.

Council Member Pugmire made the motion to approve the short term rental license for 35 W. 150 S, owners are Mark & Kathy Hislop, Bear Lake Project Management, LLC. Council Member Argyle seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

CONCESSIONAIRE LICENSE APPROVAL

1 bid received from Leo Spuhler, Bear Lake Water Adventures

Mayor Spuhler stated his conflict of interest with this business.

Mr. Bourne said that he thinks this is a great business in Garden City. He is going to lease this business out to Leo & Melissa Spuhler. Council Member Argyle said that she has liked the business.

Council Member Warner said that they received a letter from another person stating that this business must meet certain regulations. Council Member Warner said that he doesn't feel that it is the job of the city to make sure that everything is completed other than the city ordinance. Ms. Spuhler said that she has the letter and they will follow all the requirements for this business. Each business has to make sure they are in compliance with all the laws. Ms. Spuhler said that they will make sure to also comply with all the regulations of the state, etc.

Council Member Pugmire said that one of the requirements is that all the money transactions be conducted above the high water mark. Mr. Bourne said that he is aware of that requirement.

Mr. Warner said that he has participated in the business and he felt that he was taken care of in a professional manner.

Mr. Peterson said that the open sign is in compliance with Mr. Matt Combs.

Council Member Argyle made the motion to pass Bear Lake Water Adventures and approve the renewal of the concessionaire license. This is a annual license approval. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Warner, for; Mayor Spuhler, abstained. Motion carried.

Mayor Spuhler didn't vote due to a conflict of interest.

ELK'S RIDGE WATER SYSTEM EASEMENT AND PROPERTY AGREEMENT **DISCUSSION/APPROVAL**

Mr. Murray explained how everyone came to the final summary of the agreement items for the Elk's Ridge Memorandum of Understanding. They do have an attorney putting together the actual MOU. We need to get this MOU completed so we can move forward with the grant application with USDA.

Mr. Murray went through Garden City's requirements and duties as outlined in the MOU. Mr. Murray said that his comments and suggestions are incorporated in the MOU.

The Council Members haven't had enough time to look over the MOU and didn't feel good about approving it tonight. They discussed having a special meeting to approve it during the month, if not, it will be on the agenda for next month's meeting.

Council Member Argyle made the motion to table #9 on the Elk's Ridge water system until either next month or if they decide to come and have a special meeting. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

DISCUSSION/APPROVAL OF PRELIMINARY PLAT FOR A 6-LOT SUBDIVISION **WEST OF 1593 S. BEAR LAKE BLVD. COTTONWOOD SUBDIVISION, Rulon Crosby**

Mr. Rulon Crosby explained that the Planning Commission made the recommendation not to approve the subdivision based on his belief of an incorrect interpretation of setbacks on a corner lot. If the Council doesn't agree with Mr. Crosby then he proposed consideration of ordinance #11E-108 for an exception to the ordinance.

Mr. Crosby said that he met with the AEG committee about a year ago and wasn't told then that there were any concerns with his project. At that time he hired an engineer to help with his project.

Mr. Crosby feels that there is ambiguity in the code as he reads it. Mr. Crosby was told that there is a setback issue, with the 2 homes in front, stating that the road will create a corner lot.

Mayor Spuhler said that Mr. Crosby is creating something new, it is not grandfathered so this project must meet the requirements of the ordinances. Mr. Bourne explained that the road to this subdivision has to be a private road or a public road. Mr. Bourne further explained the interpretation of the ordinance for a corner lot.

Mr. DeGroot explained that the reason for a larger setback on a corner lot is for the public safety issue. Mr. Bourne explained that the Planning Commission followed the ordinance and they voted unanimously.

The Council Members discussed alternate access to the property. Mr. Crosby explained that he has tried to work with the other property owners to find an alternate access, but that has failed in the past.

Council Member Warner stated that he is sympathetic to the economics of his situation, but he is concerned about the safety of allowing this for a 10' setback on a corner lot. He feels that this is the main problem and the ordinance is the main point.

Council Member Pugmire explained that he agrees with the interpretation of the ordinance of 20 feet for a corner lot. He said that there are other options that he could try for his property and access to the subdivision. Council Member Pugmire said that he did a lot of research in the ordinance and his interpretation of the ordinance is the same as the Planning Commission interpretation.

Mr. Crosby explained that ordinance #11E-108 allows for an exception to the ordinance. He is asking the Council to make an exception so he can move forward on his project. Mayor Spuhler said that he doesn't see a reason to grant an exception according to the ordinance.

The Council Members explained to Mr. Crosby that he could file for a variance for the setbacks on a corner lot.

Council Member Warner made the motion to deny approval of the subdivision. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

DISCUSSION/APPROVAL FOR THE GARDEN CITY PARK TRAIL PROJECT

Council Member Argyle made the motion to pass the bid for alternative #2 for the bid for the Park Trail Project, with the asphalt. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

COVENANT TO RUN WITH THE LAND DISCUSSION/APPROVAL

Terminate the Covenant to run with the land for Norm Mecham or Shundahai Holdings, 41-30-09-003, 41-30-09-006, 41-30-09-007, 41-30-09-008, 41-30-09-009, 41-30-09-013, 41-30-09-014, 41-30-09-015, 41-30-09-016, 41-30-09-017, 41-30-09-018, 41-30-09-019, 41-30-09-020, 41-30-09-021, 41-30-09-022, 41-30-09-023, 41-30-09-024, 41-30-09-025, 41-30-09-026, 41-30-09-027, 41-30-09-029, 41-30-09-030, 41-30-09-036, 41-30-09-041, 41-30-09-043, 41-30-09-044, 41-30-09-045, 41-30-09-046, 41-30-09-047, 41-30-09-048, 41-30-09-049, 41-30-09-050, 41-30-09-051, 41-30-09-052, 41-30-09-053, 41-30-09-055, 41-30-09-056, 41-30-09-057, 41-30-09-058, 41-30-09-059, 41-30-09-060, 41-30-09-061, 41-30-09-063, 41-30-09-064, 41-30-09-

065, 41-30-09-066, 41-30-09-067, 41-30-09-068, 41-30-09-069, 41-30-09-070, 41-30-09-074, 41-30-09-075, 41-30-09-076, 41-30-09-077, 41-30-09-078, 41-30-09-079, 41-30-09-080, and 41-30-09-081, Eagle Feather Subdivision

Council Member Pugmire made the motion to approve to terminate the Covenant to Run With the Land for Norm Mecham and Shundahai holdings as listed on #6a. Council Member Argyle seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Covenant to Run with the Land. Request to encumber lots, Norm Mecham or Shundahai Holdings. 41-30-09-006 , 41-30-09-007, 41-30-09-008, 41-30-09-009, 41-30-09-013, 41-30-09-015, 41-30-09-016, 41-30-09-017, 41-30-09-018, 41-30-09-019, 41-30-09-021, 41-30-09-023, 41-30-09-024, 41-30-09-025, 41-30-09-026, 41-30-09-027, 41-30-09-029, 41-30-09-030, 41-30-09-043, 41-30-09-045, 41-30-09-047, 41-30-09-048, 41-30-09-049, 41-30-09-050, 41-30-09-051, 41-30-09-052, 41-30-09-053, 41-30-09-056, 41-30-09-057, 41-30-09-058, 41-30-09-059, 41-30-09-060, 41-30-09-061, 41-30-09-064, 41-30-09-066, 41-30-09-067, 41-30-09-068, 41-30-09-069, 41-30-09-075, 41-30-09-076, 41-30-09-078, 41-30-09-079, 41-30-09-080, and 41-30-09-081 in Eagle Feather Subdivision

Council Member Pugmire made the motion to pass the Covenant to Run With the Land for Norm Mecham and Shundahai Holdings of Eagle Feather Subdivision, as listed in #6b. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

PUBLIC COMMENTS

Ms. Bess Huefner explained that the flag pole dedication will be held on May 28th at 10 am. She has a nice program planned, the flag raising and some treats.

Ms. Bess Huefner explained that she is working on the Foundation of Bear Lake. She asked for someone to serve as the salesman to sell the idea.

Ms. Bess Huefner said that she would like magwater in front of her house and the other houses on that corner of 150 south. Mr. Argyle explained that it is hard to spray that area and not get it on the road. The magwater makes the road slick. He will consider it and determine if they can spray that corner.

Ms. Sprouse said that there are a lot of problems with dogs in the park. She is requesting signs in the park that dogs must be on a leash in the park.

PUBLIC HEARING

Council Member Pugmire made the motion to open the public hearing at 6:40 p.m. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Argyle, for;

Council Member Pugmire, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

ROLL CALL

Mayor Spuhler asked for a roll call of Council Members present: Mayor Spuhler, Council Member Argyle, Council Member Pugmire, Council Member Stocking (came in later during the meeting), and Council Member Warner.

ORDINANCE DISCUSSION

Ordinance #16-03, an Ordinance updating the parking restrictions in City Parking Lots

Mr. Peterson explained that the ordinance wasn't very clear on parking in city parking lots over night. This change just makes it clear.

The Council Members discussed parking issues throughout town with the large vehicles with trailers parking over multiple parking spots. Mr. Peterson said that he has cited vehicles in the past.

Council Member Pugmire made the motion to close the public hearing at 6:46 p.m. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

PUBLIC HEARING CLOSED AT 6:46 P.M.

DISCUSSION/APPROVAL TO PROCEED WITH TRANSFER OF CANAL SHARES TO CULINARY SHARES, Riley Argyle

Council Member made the motion to pass the transfer of canal shares to culinary shares. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

ORDINANCE DISCUSSION/APPROVAL

Ordinance #16-03, an Ordinance updating the parking restrictions in City Parking Lots

Council Member Pugmire made the motion to approve Ordinance #16-03 as it was listed. Council Member Argyle seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

RESOLUTION DISCUSSION/APPROVAL

Resolution #R16-01, A resolution updating the administrative code infraction fine schedule to add a fine for overnight parking

Council Member Warner moved to approve Resolution #R16-01, a resolution updating the administrative code infraction fine schedule. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

DISCUSSION/APPROVAL OF THE CERTIFICATION OF DELINQUENCY OF ASSESSMENTS AND CHARGES FOR THE BUTTERCUP SPECIAL IMPROVEMENT DISTRICT

Council Member Warner moved to approve the Certification of Delinquency of Assessments and Charges for the Buttercup Special Improvement District that we have been given with Exhibit A. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

BUDGET DISCUSSION/APPROVAL

Review the Budget for current fiscal year, July 1, 2015 through June 30, 2016. Open budget to approve over expenditures.

Council Member Argyle made the motion to open the budget for current fiscal year, July 1, 2015 through June 30, 2016 to cover the expenditures. Council Member Pugmire seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

The Council Members reviewed the budget over expenditures and made changes to the budget to cover the over expenditures.

Review and approval of the tentative budget for fiscal year for fiscal year July 1, 2016 through June 30, 2017. Budget Funds include the General Fund, Buttercup Special Improvement District Fund, Capital Projects Fund, Beach Access Fund and the Enterprise (water) Fund

The Council Members looked over the figures in the proposed budget and made changes and additions to specific line items.

Council Member Warner made the motion to approve the tentative budget for fiscal year July 1, 2016 through June 30, 2017. Budget Funds include the General Fund, Buttercup Special Improvement District Fund, Capital Projects Fund, Beach Access Fund and the Enterprise (water) Fund. Council Member Argyle seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

Approval of the Utah Retirement rates for fiscal year July 1, 2016 through June 30, 2017

The Council members reviewed the rates set by Utah Retirement System.

Council Member Pugmire made the motion to approve the Utah Retirement rates for fiscal year July 1, 2016 through June 30, 2017 as listed. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

MISCELLANEOUS ITEMS

Appointment for Appeal Authority Board, Anita Weston

Council Member Pugmire made the motion to appoint Anita Weston to the Appeal Authority Board. Council Member Stocking seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

COUNCIL MEMBER REPORTS

Council Member Argyle

Council Member Argyle explained that the Raspberry Days Committee is not interested in charging \$1 for an entrance fee to the craft fair. The Council Members discussed other options and other Boards that may be interested in collecting the entrance fee for Raspberry Days.

We have a marriage in July, which will be at the end of the boardwalk. They were told that they can't block the driveway.

Council Member Pugmire

Council Member Pugmire explained that he wants to mag 300 west because of all the dust. There are a lot of people that use that road. He will check into magging the edge of the road by 150 S.

Council Member Stocking:

Council Member Stocking has taken the Certified Pool Operator Course and is now certified. He will make sure to go over a few points with the Pool Manager to make sure that we are doing everything correctly.

The Library Board will be holding the rummage sale again this year.

Council Member Warner

Council Member Warner said that he didn't have anything more to report this month.

Mayor Spuhler

Mayor Spuhler said that he is still working with Mr. Nate Parry on the easement to the beach.

Mayor Spuhler has been working with Rocky Mountain Power on their new policy for developments. We have an agreement that we will send them a copy of the plat with the minutes including the preliminary approval.

Mayor Spuhler and Mr. Peterson are working with the State and Utah League of Cities and Towns on the short term rental requirements.

PAYMENT VOUCHERS

Council Member Pugmire made the motion to pay the vouchers. Council Member Argyle seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

EXECUTIVE SESSION

Council Member Pugmire made the motion to adjourn into executive session at 8:31 p.m. pursuant to purchase of property and discussion of the lawsuit. Council Member Warner seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

The executive session is to discuss the purchase of land and discussion regarding the lawsuit.

The minutes of this executive session will be kept on separate minutes.

Council Member Pugmire made the motion to adjourn the executive session and return to the regular session at 9:00 p.m. Council Member Argyle seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

ADJOURNMENT

There being no further business to discuss Council Member Pugmire made the motion to adjourn the meeting at 9:00 p.m. Council Member seconded the motion. A roll call vote was taken: Council Member Argyle, for; Council Member Pugmire, for; Council Member Stocking, for; Council Member Warner, for; Mayor Spuhler, for. Motion carried.

APPROVED:

Attest:

John Spuhler, Mayor

Kathy Hislop, Town Clerk